

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES W. EVANS,)
) CASE NO. C10-1842-RSL
Plaintiff,)
)
v.) ORDER REMANDING ACTION
)
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,)
)
Defendant.)
_____)

This matter comes before the Court on the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. # 41), and the “Joint Response to the Supplemental Report and Recommendation and Joint Motion to Vacate Judgment” submitted by the parties (Dkt. # 42). Having reviewed the record in this matter, the Court does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This action is REMANDED to the Commissioner for further proceedings consistent with the Ninth Circuit’s disposition set forth in its May 22, 2013, Memorandum opinion (Dkt. # 38).

01 (3) Contrary to the parties' concern, the only judgment entered by the District Court
02 was entered on December 12, 2011, and was subsequently vacated and remanded by the Ninth
03 Circuit for further proceedings. The Ninth Circuit's mandate, entered in this Court's docket on
04 July 17, 2013, resolved the appeal, not this underlying action. The joint motion to vacate
05 judgment is therefore DENIED. This Court retains jurisdiction over the case until such time as
06 the Commissioner files the results of the post-remand proceedings.

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08 DATED this 4th day of September, 2013.

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11 ROBERT S. LASNIK
United States District Judge